



Risk Coordinators

Korby Siggard, Claims Manager



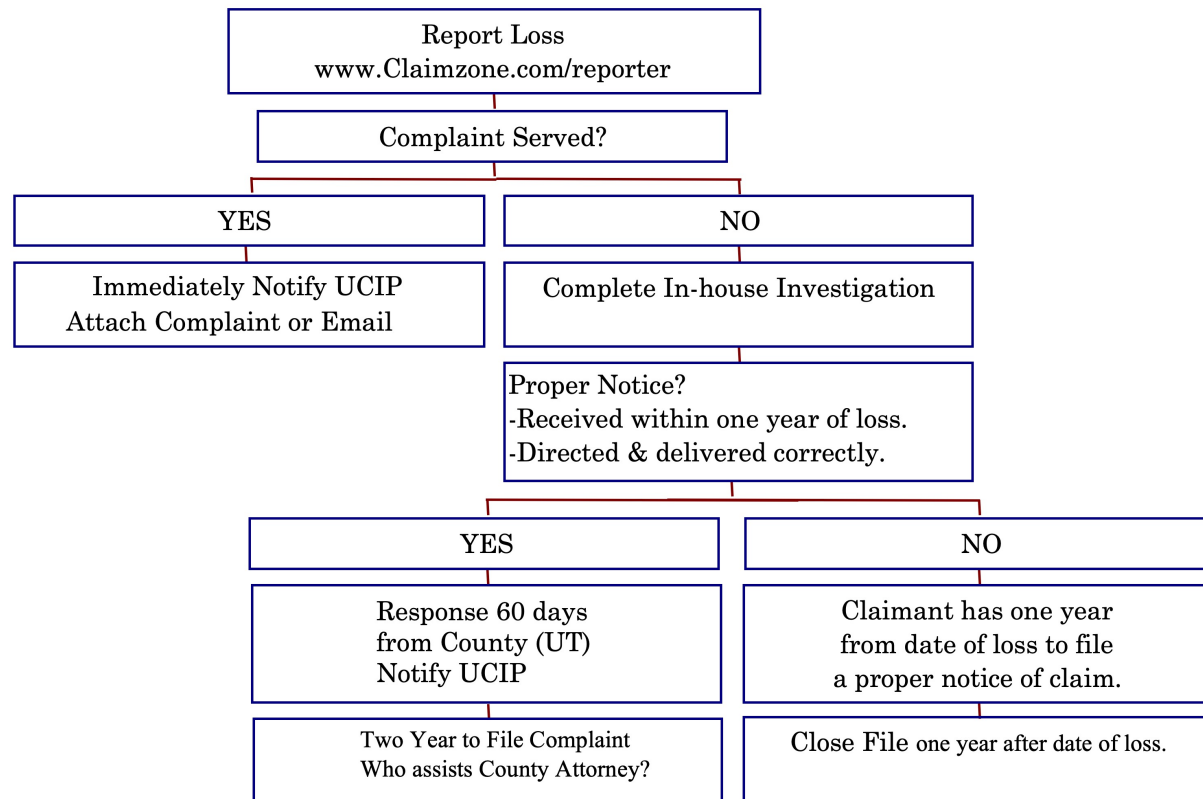
**UTAH
COUNTIES**
INDEMNITY POOL



Claim Process from Start to Finish!

*General Liability-Slip & Fall, Negligence
Auto Liability-Auto Accidents (no admission)
Public Officials-Errors & Omissions
Employment Liability

General Liability Claims



Governmental Immunity

- 63G-7-401: When claim arises
- 1 year to file a Proper “Notice of Claim”-Directed and delivered to the county clerk, or designated recipient **OR** Elected County Official/Executive Officer **and** the County Attorney by hand, mail or Via Email starting in 2021
- County response required within 60 days.
- 2 years to file a complaint from the date of the occurrence
- Damages: CAP: \$779,600/person; \$3,138,300/Occurrence; \$307,700 Property Damage

Governmental Immunity

- 63G-7-401:
- (3) (a) The Notice of Claim Shall Set Forth:
 - (i) a brief statement of the facts;
 - (ii) the nature of the claim asserted
 - (iii) the damages incurred by the claimant so far as the damages are known
 - (iv) name of gov't employee involved in causing claim

Governmental Immunity

- 63G-7-403: County Response
- (1) Within 60 days, the county shall inform the claimant in writing
- (a) that the notice has been received
- (b) County believes it is NOT the correct entity, shall deny and if applicable, identify entity

Complaint / Lawsuit

- Complaint Filed in the Court- 90 Days to Serve Complaint
- Complaint Served on the County-20 Days for Response
- Complaint served on County Employees
- County Employee requests Defense from the County through the County Attorney
- The County Attorney gives the Complaint to the Risk Coordinator to Forward to UCIP
- UCIP Assigns the Complaint a defense Attorney to ASSIST the County Attorney in the Defense of the Complaint
- County Attorney is involved in the Selection of the Attorney to Assist in the Defense.
- The complaint is answered(Time for Rule 68 Offer of Judgment)

Defense Begins

- Complaint Answered by the Attorney
 - County Investigation
 - Statements, Interviews, etc.
 - File a **Motion to Dismiss**. \$30k-\$50K Defense
- Complaint not Dismissed
 - Discovery begins
 - Depositions
 - Experts
 - Subpoenas

Motion for Summary Judgment: Governmental Immunity, No Negligence, Narrows case down for trial. \$85k-\$125k Defense

Mediation

- Mandatory?, Good Faith?, All Parties Present, Authority from Board (Litigation Committee), Not on Record-Not Used in Trial
- Opening Statement, Strengths and Weaknesses
- Divide into Separate Rooms
- Typically Begins with Mediator and Plaintiff Group, obtain an Offer
- Offer to defendants with Best Case Argument
- Negotiations Begin, Defendant Makes Counteroffer.
- Settled, or move to Trial. \$150K-\$175K Defense

Trial

- Trial Preparation, Strategy, Litigation Meeting if Necessary
- Bench Trial. V. Jury Trial
- Trial: 1 to 2 Weeks Depending on Experts, Witnesses, Other Parties to the Complaint, Etc.
- Jury Selection: Court Selection, Attorney Selection
- Trial Begins;
- Trial Ends; **Judgment** \$180k-\$250k Defense

Appeal Trial Judgment

- Filed by Either Side
- Presented to Appellate Court
- Affirmed, Reversed, Remanded for a New Trial
- Potentially a New Trial
- Judgment Rendered
- Expense-\$600,000-\$900,000

Questions?



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